

## **Limited Permission to Disclose Agreement (“Agreement”)**

**E. I. DuPont de Nemours and Company (“Company”)** desires to allow the **United States Environmental Protection Agency (“USEPA”) / Office of Pollution Prevention and Toxics (“OPPT”)** to share certain data and insights relating to Premanufacture Notification (“PMN”) substances **P-08-508** and **P-08-509** with the **West Virginia Department of Environmental Protection (“WVDEP”)** and the **West Virginia Department of Health and Human Resources (“WVDHHR”)** for the purpose of facilitating WVDEP’s and WVDHHR’s review of the PMN substances for environmental permitting purposes.

Accordingly, by signing below, DuPont authorizes USEPA/OPPT to disclose only the following information to the staff of the WVDEP and the WVDHHR solely for the purpose of facilitating their review of the PMN substances for environmental permitting purposes:

- Copies of any information provided by DuPont to USEPA/OPPT pertaining to PMN substances P-08-508 and P-08-509
- Evaluation reports or other materials produced by USEPA/OPPT pertaining to PMN substances P-08-508 and P-08-509

### PMN file:

- Non-confidential chemical identities: Perfluorinated Aliphatic Carboxylic Acid and Perfluorinated Aliphatic Carboxylic Acid, Ammonium Salt
- USEPA/OPPT file numbers: P-08-508 and P-08-509
- Date PMNs received by the USEPA: June 30, 2008

DuPont and USEPA/OPPT acknowledge and agree to the following with respect to this limited permission to disclose:

1. The permission authorized is a limited one. The permission is provided solely to facilitate the review of the PMN substances by the WVDEP and WVDHHR for environmental permitting purposes. USEPA/OPPT agrees to disclose only the information described above.
2. DuPont authorizes the USEPA/OPPT PMN review team to robustly discuss all information in the PMN files in a conference call between the USEPA/OPPT PMN review team personnel, WVDEP personnel, and WVDHHR personnel at a date and time to be determined.
3. This permission is not, therefore, a general waiver of either substantive or procedural confidential business information (CBI) protections under applicable law.

4. DuPont recognizes that the USEPA/OPPT makes no representation as to the level of security or the procedural or substantive rights that information might be afforded once the information is disclosed to WVDEP and WVDHHR.
5. USEPA/OPPT will, however, inform the participating WVDEP and WVDHHR personnel of the existence of any information claimed as confidential or proprietary by DuPont and treated as confidential by the USEPA/OPPT, at the time of disclosure.
6. DuPont, furthermore, makes this limited disclosure with the understanding and belief that WVDEP and WVDHHR will give any information claimed as confidential or proprietary by DuPont and treated as confidential by the USEPA/OPPT all protections to which it is entitled under applicable laws.
7. DuPont acknowledges that there may be materials in the USEPA/OPPT PMN files that may not be shared with WVDEP and WVDHHR. If this situation occurs, USEPA/OPPT will advise WVDEP, WVDHHR, and DuPont what, if any, materials were withheld and why.
8. DuPont furthermore authorizes the transmission of data electronically (e-mail, telephone and/or fax) to WVDEP and WVDHHR for expediting the sharing of information related to the PMN substances. DuPont further authorizes USEPA/OPPT to discuss material in the PMN files with WVDEP and WVDHHR solely for the purpose set forth above.

*Agreed and Accepted:*

**United States Environmental Protection Agency  
Office of Pollution Prevention and Toxics**

\_\_\_\_\_

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*Agreed and Accepted:*

**E. I DuPont de Nemours and Company**

\_\_\_\_\_

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_